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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,437	06/25/2003	Leping Huang	883.0007.U1(US)	6335
29683 7590 02/20/2007 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER NG, CHRISTINE Y	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/606,437

Applicant(s)

HUANG, LEPING

Examiner

Christine Ng

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

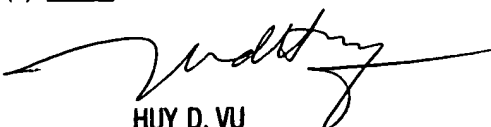
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because:

Referring to the argument of claims 1-4, 11-14, 21, 23-26 and 32-35 (page 13 line 11 to page 14, line 10):

Verbiest disclose in Figure 1 a method of transporting a packet from a source to a destination through a switching network. When a stream from RX1 is to be multiplexed onto an output terminal T1, the corresponding processor TPR1 of TX1 calculates the estimated output bandwidth B2 and compares this bandwidth with the maximum bandwidth B allowable on the output terminal T1. The comparison between the estimated bandwidth B2 and the maximum bandwidth B is made to ensure that the estimated bandwidth B2 on the output T1 does not exceed the maximum allowable bandwidth B. If B2 does not exceed B, the packet in RX1 is transmitted to TX1. If B2 exceeds B, the path set up packet searches for another path through the network. Refer to Column 1, line 55 to Column 2, line 7; and Column 5, line 67 to Column 6, line 53. The output bandwidth reads on the estimated link bandwidth at a particular output port. Before transmission through the output port, it has to be ensured that there will be enough available bandwidth to accommodate the data packet transmission, using the estimated bandwidth value. If there is not enough bandwidth at the particular output port, another link to another output port needs to be chosen.

Larsson et al disclose in Figure 4 a method of selecting optimal routes between nodes in a wireless Bluetooth ad-hoc piconet. "These routes may be more optimal than the original route in terms of fewer hops between the source node and the destination node or in terms of dropped packets and network delays along the original route" (Column 3, lines 47-50). A source node requests for an updated route to the destination node during a predetermined event. The predetermined event could be when the traffic throughput along the original route falls below a predetermined threshold value, when the number of intermediate nodes in the original route exceeds a predetermined number, or when the number of routes which flow through a node is above a predetermined threshold. Refer to Column 2, lines 22-45; Column 3, lines 19-50; and Column 4, line 62 to Column 5, line 32. The method of Matthews et al can therefore be applied to a wireless environment since nodes in an ad-hoc piconet also need to find the most efficient route for data transmissions. Matthews et al also suggests that the method can be applied to any communication network, whether or not the network is connection-oriented. Refer to Column 4, lines 32-38.

Referring to the argument of claims 10 and 20 (page 14, line 11 to page 15, line 14): Hiroyuki et al disclose that finding an optimum path between nodes in a network comprises using a metric to compare paths. The metric can be the number of hops or the bandwidth, the goal of which is to minimize the metric in choosing a path. Refer to Paragraph 0006 and 0051. Matthews et al also discloses using bandwidth to choose an optimal path, particularly, the ratio of maximum link bandwidth to estimated link bandwidth. Therefore, both bandwidth and number of hops can be used in determining optimal paths.

Referring to the argument of claim 27 (page 15, line 15 to page 16, line 6): Momosaki et al disclose estimating the amount of bandwidth needed in a system by determining the node's status (master or slave) and the number of the node's slaves. The total bandwidth is divided equally amongst the master and all the slaves. If the bandwidth required by each node increases, some slaves may have to be disconnected to order to accommodate the bandwidth requirement changes. Also, since the bandwidth is shared equally amongst all nodes, the number of slaves cannot increase, so the number of the node's slaves must be known to ensure that it does not go over the bandwidth threshold. Momosaki et al also disclose considering whether a node is a master node or a slave node. The upstream device becomes a master and the downstream devices become slaves. Refer to Paragraphs 0075-0076. Determining a nodes status as a slave or master is necessary in order to determine the bandwidth required in the network, since the total bandwidth cannot exceed the network bandwidth. The total amount of bandwidth required by all the nodes must not exceed the total amount of bandwidth provided to the system, which must be shared equally amongst all nodes.